

06/12/2018

Er sylw / For the attention of Kevin Hughes

Dear Mr Hughes,

BWRIAD / PROPOSAL: EXTENSIONS INCLUDING EXTERNAL AND INTERNAL ALTERATIONS

LLEOLIAD / LOCATION: Allington Farm, Cox Lane, Rossett, Wrexham P/2018/0528

Thank you for consulting / Natural Resources Wales with additional information about the above, which was received on 19/11/2018. Our updated advice is outlined below.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided they are attached to any planning permission afforded to the development.

Condition 1: EPS Bats: Submission of external lighting plan to the satisfaction of the LPA

Condition 2: Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LPA.

Condition 3: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Rachel Hacking Ecology. Bat Emergence Surveys at Allington Farm, Rossett, Wrexham. 2018) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided that the avoidance and mitigation measures as outlined in the report are included in the approved plans and implemented and the condition below is attached to any planning permission for this scheme:

Condition 1: EPS Bats: Submission of external lighting plan to the satisfaction of the LPA

The external lighting/internal light spillage plant will need to be compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.

Provided these measures are implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range:

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

GCN

We note that the ecology report submitted in support of the above application (reference Hacking, R. (2018) Daytime Bat Survey at Allington Farm, Cox Lane, Rossett, Wrexham, Rachel Hacking Ecology. Unpublished) has also confirmed the presence of the great crested newt (GCN) at the application site.

GCNs and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales.

We consider that implementation of the proposal is likely to harm or disturb great crested newts or cause damage to their breeding sites and resting places at this site and we therefore advise that any subsequent derogation licence for the proposal includes GCN. However, we are of the view that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCNs.

We therefore advise that any subsequent consent is subject to the imposition of the following condition.

Condition 2: Submission and implementation of Great Crested Newts (GCN) avoidance and mitigation proposals to the satisfaction of the LPA

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the GCNs or their breeding sites and resting places at this site, you would need a revised ecology report that took account of such changes. Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any subsequent planning consent includes the requirement for the submission of an appropriate Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

To conclude, we recommend planning permission is refused until it can be demonstrated that the proposed development will either not harm or disturb the bats or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2017 are likely to be satisfied in respect of bats and great crested newt.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

Waste:

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Foul Drainage

We note there is no information on foul drainage. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 008/2018 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. Any necessary Permit must be obtained prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Any existing tank to be utilised must be in a good state of repair, regularly desludged and of sufficient capacity to deal with any increase in flow and loading which may occur as a result of this proposal. Similarly, the applicant should ensure that any new or

existing package treatment plant has the capacity to handle the additional loading caused by the proposed development.

Pollution Prevention / Water Resources

The location site is within a designated Special Protection Zone. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

We strongly advise that the applicant refers to the *Environment Agency's (2017) 'Approach to groundwater protection* position statements which have been formally adopted by Natural Resources Wales.

Environmental Management

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yours faithfully,

Joy Evans

Ms Joy Evans
Cynghorydd Cynllunio Datblygu /
Development Planning Advisor